

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATIONAL INDOOR FOOTBALL)
LEAGUE, L.L.C.,)
Plaintiff,)
v.)
R.P.C. EMPLOYER SERVICES, INC.,)
Defendant.)

TRIAL SCHEDULING ORDER - NON JURY

AND NOW, this 4th day of May, 2007, the Court hereby ORDERS as follows:

A. Final Pretrial Order:

1. A non-jury trial is hereby scheduled on **May 21, 2007 at 9:00 a.m.**, in Courtroom #6C, Sixth Floor, U.S. Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania 15219.
2. The following items shall be filed with the Clerk of Court, served upon opposing counsel and submitted to Chambers unless otherwise specified.

3. Exchange of Witness Lists.

- (a) Plaintiff(s) shall submit a pre-trial narrative statement with a list of trial witnesses, specifying separately those who will be called and those who may be called if needed (other than purely for impeachment), by **May 14, 2007**.
- (b) Defendant(s) shall submit a pre-trial narrative statement with a list of trial witnesses, specifying separately those who will be called and those who may be called if needed (other than purely for impeachment), by **May 14, 2007**.

4. Exhibits

All exhibits must be marked and exchanged in advance of trial. To avoid duplication and potential jury confusion, counsel shall confer in advance of trial and agree on one joint set of consecutively numbered exhibits. Exhibits which will be offered/utilized/relied upon at trial by both plaintiff(s) and defendant(s) shall be marked consecutively as Joint Exhibit 1, 2, 3, etc., in numerical order. Exhibits which will be offered at trial only by plaintiff(s) shall be marked consecutively as Plaintiff(s) Exhibit 4, 5, 6, etc., and exhibits which will be offered at trial only by defendant(s) shall be marked consecutively as Defendant(s) Exhibit 7, 8, 9, etc., in numerical order. Copies of all premarked exhibits shall be provided to the Court in a binder(s), labeled and numerically tabbed on or before **May 14, 2007**. Objections to exhibits are to be made known to the Court prior to trial and same may be ruled upon prior to trial.

Counsel are not to take time during trial to exchange exhibits. Exhibits need not be offered into evidence in numeric order. As exhibits are admitted into evidence at trial, each exhibit (or copy thereof) shall be provided to the Courtroom Deputy Clerk for logging, safekeeping and ultimate submission to the jury.

Counsel are encouraged to use courtroom technology to present exhibits to the witnesses and judge.

5. Motions. The parties shall file all additional pretrial motions, including motions under Fed. R. Evid. 104(a), motions to limit or sever issues and objections to exhibits together with supporting briefs or memoranda of law, by **May 14, 2007**. Responses shall be filed by **May 17, 2007**. All briefs supporting or opposing such motions shall be limited to twenty (20) pages.

6. Plaintiff shall submit proposed Finding of Fact and Conclusions of Law with supporting brief as ordered at trial.

7. Defendant shall submit proposed Finding of Fact and Conclusions of Law with supporting brief as ordered at trial.

8. **Joint Stipulations.** The parties shall file a joint statement of stipulations by **May 14, 2007**. All possible stipulations shall be made as to:

- (a) Facts;
- (b) Issues to be decided;
- (c) The authenticity and admissibility of exhibits;
- (d) Expert qualifications and reports;
- (e) Deposition testimony to be read into the record;

Counsel shall meet at a mutually convenient time and place to produce the joint stipulation in time for filing as ordered.

9. **Final Pretrial Conference.** A final pretrial conference may be scheduled, if requested.

B. Trial Procedures:

1. Court will commence promptly at **9:00 A.M.** each morning. There will be a morning and afternoon recess of fifteen (15) minutes. Luncheon recess will be from approximately **12:30 P.M. to 1:30 P.M.** Court will adjourn at **4:30 P.M.** **All counsel and witnesses are expected to be in their seats and ready to commence at the appointed times.** Court will be in session from Monday through Thursday.

2. Because counsel will have previously marked and exchanged all exhibits and provided a copy to the Court, it will not be necessary during the trial to show exhibits to opposing counsel prior to using them.

3. It will not be necessary for counsel to request permission to approach a witness.

4. The Court will be available at **8:30 A.M.** (or earlier if necessary) each morning and **4:30 P.M.** each afternoon to address such issues. It is the responsibility of counsel to notify the Court and other counsel of the need for a conference at 8:30 A.M. or 4:30 P.M. and all other counsel will be expected to be present at the appointed time for argument. **THE COURT WILL NOT DELAY THE PROCEEDING TO RESPOND TO LAST MINUTE REQUESTS FOR CONFERENCES TO DISCUSS MATTERS WHICH, IN THE EXERCISE OF REASONABLE DILIGENCE, COULD HAVE BEEN HEARD AT A MORNING OR AFTERNOON CONFERENCE.**

5. Prior to the commencement of the trial, counsel shall provide opposing counsel with the actual list of the next day's witnesses in the order they are expected to be called. The same procedure will be employed by both sides at the end of each court day.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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